

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

COMMONWEALTH OF PUERTO RICO, et al.,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER
AUTHORITY,

Debtors

PROMESA
Title III

No. 17 BK 4780-LTS

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

UNIÓN DE TRABAJADORES DE LA INDUSTRIA ELÉCTRICA Y RIEGO, INC., ÁNGEL FIGUEROA-JARAMILLO, as President of UNIÓN DE TRABAJADORES DE LA INDUSTRIA ELÉCTRICA Y RIEGO, INC., FREDDYSON MARTÍNEZ-ESTEVEZ, Vice President of UNIÓN DE TRABAJADORES DE LA INDUSTRIA ELÉCTRICA Y RIEGO, INC, RALPHIE DOMINICCI-RIVERA, WALDO ROLÓN, and RONALD VÁZQUEZ, as Vice President of the Retirees Chapter of UNIÓN DE TRABAJADORES DE LA INDUSTRIA ELÉCTRICA Y RIEGO, INC.,

Plaintiffs,

v.

PEDRO R. PIERLUISI-URRUTIA, in his official capacity as Governor of the Commonwealth of Puerto Rico, COMMONWEALTH OF PUERTO RICO, PUERTO RICO ELECTRIC POWER AUTHORITY, THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of PUERTO RICO ELECTRIC POWER AUTHORITY, RALPH A. KREIL-RIVERA, in his official capacity as the President of the Governing Board of the PUERTO RICO ELECTRIC POWER AUTHORITY, EFRAN PAREDES-MAYSONET, in his official capacity as Executive Director of PUERTO RICO ELECTRIC POWER AUTHORITY, PUERTO RICO PUBLIC PRIVATE PARTNERSHIP AUTHORITY, FERMÍN FONTÁNES-GÓMEZ, in his official capacity as Executive Director of PUERTO RICO PUBLIC PRIVATE PARTNERSHIP AUTHORITY, PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY, OMAR J. MARRERO-DÍAZ, in his official capacity as Executive Director of PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY, LUMA ENERGY, LLC, LUMA ENERGY, SERVCO, LLC, and WAYNE STENSBY, in his official capacity as President and CEO of LUMA ENERGY, LLC and LUMA ENERGY SERVCO, LLC.,

Defendants.

Adv. Proc. No. 21-00041-LTS

ORDER REGARDING PROCEDURES FOR MAY 18, 2021, HEARING

The Court will hear oral argument in connection with the pending motion for a preliminary injunction in the above-captioned adversary proceeding (Docket Entry No. 8 in Adv. Proc. 21-041, the “Preliminary Injunction Motion”) beginning at **9:30 a.m. Atlantic Standard Time on May 18, 2021** (the “Hearing”). In light of the ongoing COVID-19 public health crisis, the Court will conduct the Hearing telephonically via CourtSolutions. The Hearing shall be governed by the following procedures.

Registration for Speaking and Listen-In Lines for Attorneys; Listen-In Facilities for Members of Public and Press

1. Attorneys who have entered an appearance in the Title III proceedings may register to participate as speakers or listen-in on the proceedings by telephone. Such attorneys must register with CourtSolutions at www.court-solutions.com no later than **May 14, 2021, at 12:00 p.m. (Atlantic Standard Time)**, and pay the fee established by CourtSolutions. To promote the efficient conduct of the proceedings, the number of speaking participation lines shall be limited. The plaintiffs and the defendants shall be limited to three speaking lines for counsel per side. There will be no limitation on the registration of listen-in lines for attorneys who have entered appearances in these proceedings.

2. To listen-in on the proceedings by telephone, members of the public and press should dial (888) 363-4749, and enter the access code (7214978) and security code (6298) when prompted. The access lines for press and the general public will be in listen-only mode at all times. Recording and further broadcasting of the proceedings by any means remain prohibited. Although Judicial Conference policy generally prohibits the broadcasting of proceedings in federal trial courts, the Executive Committee of the Judicial Conference has approved a limited temporary exception to the policy to allow a judge to authorize the use of

teleconference technology to provide the public and the press with audio access to court proceedings while public access to federal courthouses is restricted due to the health and safety concerns presented by the COVID-19 pandemic.

Order and Identity of Speakers; Telephone Etiquette

3. Counsel who intend to speak must jointly file an informative motion by **May 13, 2021, at 12:00 p.m. (Atlantic Standard Time)** identifying (a) the names of the individuals who intend to appear and speak in connection with the Preliminary Injunction Motion, (b) the order in which the speakers shall present argument, (c) time allocations for each speaker, and (d) if any party intends to cross-examine witnesses, the order in which witnesses will be cross-examined and the time allocation for each witness.

4. During the call, the individuals who are allocated speaking lines are directed to observe the following rules:

- a. Use a landline whenever possible.
- b. Use a handset rather than a speakerphone.
- c. Identify yourself if asked to do so.
- d. Identify yourself by name each time you speak.
- e. Mute yourself when you are not speaking to eliminate background noise.
- f. Spell proper names.

5. All persons granted remote access to the proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court-issued media

credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.

Pre-Hearing Filing Deadlines

6. The Court will review all declarations that have been submitted in either support of or opposition to the Preliminary Injunction Motion in advance of the Hearing. All such declarations are deemed submitted as direct testimony. Any proponent of or timely objector to the Preliminary Injunction Motion who contends there is a disputed material factual issues and wishes to cross-examine any declarant or to present live rebuttal testimony at the hearing must file an informative motion identifying the witness(es), the factual issue(s) to which the proposed cross-examination or testimony relates, the subject matter of the testimony and its relevance to the factual issue(s), and the time requested for such examination or testimony, no later than **May 13, 2021, at 12:00 p.m. (Atlantic Standard Time)**. The parties shall meet and confer in an effort to resolve any objections to declarations, witnesses, and exhibits prior to filing the informative motion and certify such efforts have been made in the informative motion. The Court will allow re-direct examination by counsel for the party who has offered such witness' testimony and who has been allocated a speaking line. All witnesses, and counsel conducting examination(s), must register with CourtSolutions at www.court-solutions.com.

7. To the extent that counsel at the Hearing intend to refer to demonstratives or to direct the Court's attention to particular exhibits that have been filed in connection with the Preliminary Injunction Motion, counsel shall file any such exhibits and/or demonstratives as attachments in searchable PDF format to an informative motion by **May 14, 2021, at 3:00 p.m. (Atlantic Standard Time)**. Each party shall mark its exhibits, if any, in a distinctive manner (e.g., "Movants' Ex 1" or "Opponents' Ex. 1") and include an exhibit list cross-referencing each

exhibit with its location in the relevant submissions that are on the docket. Within the informative motion containing searchable PDF attachments, each exhibit or demonstrative should be bookmarked electronically for ease of reference. The proponent or timely objector must also deliver an electronic copy of such materials by **Friday, May 14, 2021, at 3:00 p.m. (Atlantic Standard Time)** at the following address: SwainDPRCorresp@nysd.uscourts.gov

SO ORDERED.

Dated: May 12, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge